

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2008-400-E - ORDER NO. 2008-767
NOVEMBER 13, 2008

IN RE: Progress Energy Carolinas, Inc.'s Motion for) ORDER APPOINTING
Waiver of Commission Rule 103-331) HEARING OFFICER

This matter comes before the Public Service Commission of South Carolina ("Commission") on the Commission's Motion to appoint Joseph M. Melchers, Esquire, Chief Counsel, to serve as a hearing officer in the present docket regarding Progress Energy Carolinas, Inc.'s Motion for Waiver of Commission Rule 103-331 and authority to obtain a security deposit for the provision of electric service from Pilgrim's Pride Corporation. This appointment is in order that the hearing officer may dispose of procedural and evidentiary matters pursuant to S.C. Code Ann. Section 58-3-40 (Supp. 2007).

Section 58-3-40(C)(1) states that upon the request of any party or any commissioner, the commission may employ a hearing officer who may hear and determine procedural motions or other matters not determinative of the merits of the proceedings. Under (C)(2), the hearing officer has full authority, subject to being overruled by the Commission, to rule on questions concerning the conduct of the case and other matters. Under (C)(3), the officer must be an attorney qualified to practice in all courts of this State with a minimum of eight years' practice experience.

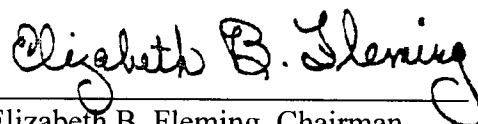
We find that Joseph M. Melchers meets these qualifications, and we therefore grant the Motion appointing him as hearing officer in this case. As hearing officer in this proceeding, we direct Mr. Melchers to rule on appropriate matters in the case and dispose of procedural and evidentiary matters, including communication with all parties to establish a hearing date and procedural schedule for this proceeding.

IT IS THEREFORE ORDERED THAT:

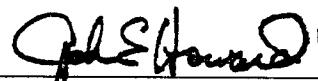
1. Joseph M. Melchers, Esquire, Chief Counsel, is hereby appointed as hearing officer in Docket No. 2008-400-E regarding the motion of Progress Energy Carolinas, Inc. for waiver of Commission Rule 103-331 and for disposition of procedural and evidentiary matters, including working with all parties to schedule a hearing date and establish a procedural schedule for this proceeding.

2. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Elizabeth B. Fleming, Chairman

ATTEST:


John E. Howard, Vice Chairman
(SEAL)